

#26

Docket No. BIO-83

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shlomo Ben-Haim

Serial No. : 09/273,646

Art Unit: 3737

Filed : March 23, 1999

Examiner: Ruth S. Smith

For : MEDICAL DIAGNOSIS TREATMENT AND IMAGING SYSTEMS

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and all attachments are being facsimile transmitted to the United States Patent and Trademark Office, Office of Petitions, on the date shown below:

November 24, 2003

(Date of Deposit)

Vincent J. Serrao

(Name of applicant, assignee, or Registered Representative)

(Signature)

November 24, 2003

(Date of Signature)

United States Patent and Trademark Office  
Crystal Plaza 4  
Room 3C23  
2201 South Clark Place  
Alexandria, VA 22202

Attn: Office of Petitions

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PETITIONS OFFICE

PETITION FOR WITHDRAWAL FROM ISSUE  
UNDER 37 C.F.R. § 1.313 (c)

Dear Sir:

Applicants respectfully petition that the above-identified application be withdrawn from issuance after payment of the issue fee. Pursuant to 37 C.F.R. § 1.313(c)(2), enclosed herewith is a copy of a request for continued examination in compliance with § 1.114, along with a copy of an Information Disclosure Statement Form PTO-1449.

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Applicant submitted an Information Disclosure Statement and PTO Form 1449 for the above referenced case on April 21, 1999. The application subsequently issued and the issue fee was paid on September 19, 2003. Upon review of our file we discovered that Applicants did not receive a signed USPTO Form 1449 from the Examiner indicating that the 79 references cited in the April 21, 1999 Information Disclosure Statement were considered during prosecution of the application.

On August 27, 2003 we requested a completed form PTO 1449 from the United States Patent Office. During an October 31, 2003 interview with the Examiner, Ms. Ruth S. Smith, Examiner Smith indicated that she did not receive the Information Disclosure Statement.

Accordingly, Applicants believe that this petition is warranted, and respectfully request the above-identified application be withdrawn from issue and the Information Disclosure Statement be considered and made of record in the application before the application issues as a United States Patent.

This faxed copy of the petition is not accompanied by the references listed in the Information Disclosure Statement because the size of the statement makes its submission by facsimile impracticable. If the Office desires, the Information Disclosure Statement with the references will be resubmitted once the petition to withdraw from issue is granted.

A petition fee under 37 C.F.R. § 1.17(h) is thought to be necessary to enter the Petition to Withdraw from Issuance. The Office is authorized to charge this petition fee to the Applicants' Deposit Account - Account Number 10-0750/BIO-83/LJC.

Please charge any petition fee due under and any other fees due, to Johnson & Johnson Deposit Account No. 10-0750/BIO-83/LJC. A duplicate of this petition is attached.

Respectfully submitted,



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Date: November 24, 2003